

Predicting the Need for Competency to Stand Trial Evaluations in Washington State

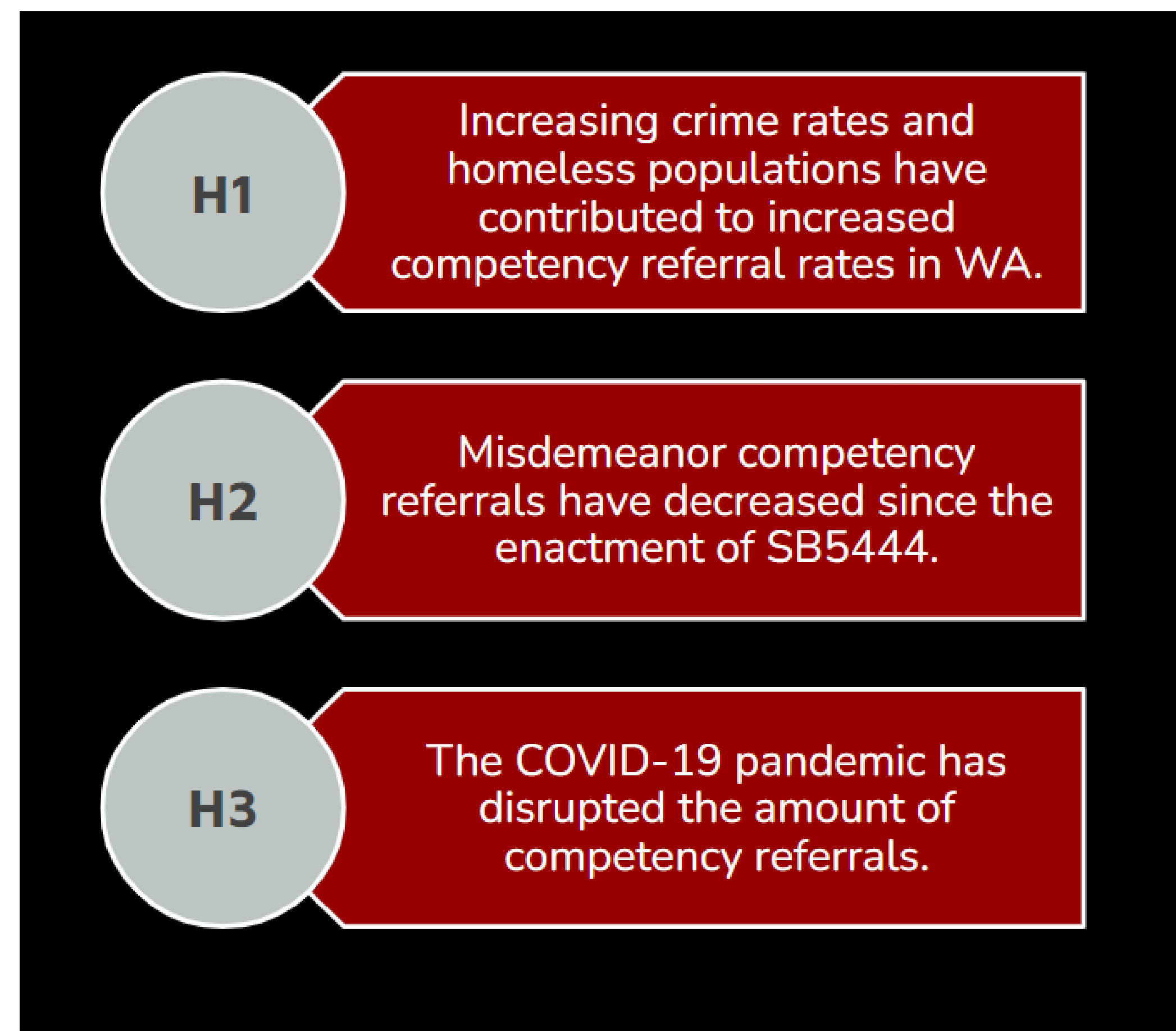
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INTRODUCTION AND BACKGROUND

- **Competency to Stand Trial (CST) in the United States and the Competency Crisis**
 - Dusky v United States (1960)
 - Evaluation and Restoration
 - 19,000 to potentially 94,000 evaluations per year
 - Unconstitutional Delays
 - Lawsuits Against Several States
 - Suspected Causes of the Competency Crisis
- **Competency in Washington State**
 - Changes to Washington's Population
 - Population Growth
 - Increase in Crime Rates
 - Homelessness
 - Criminalization of Homelessness
 - Scarcity of Mental Health Resources
 - COVID-19
 - March 13th, 2020 Court Closures
 - Trueblood vs. DSHS (2015) and SB 5444 (2019)
 - Increased Hiring Efforts
 - Multi-Year Phasing Plan by County
 - \$22,159,000 over the course of six years
 - Diversion Programs/Programs Aimed at Reducing Referral Rates
 - Prosecutorial and Police Level
 - Increased Mental Health Training of Key Stakeholders
 - Increased Resources for Homeless Individuals

HYPOTHESES



METHOD AND ANALYSES

- **Archival CST Data from January 2017 – February 2022 Published by Washington State DSHS**
 - <https://www.dshs.wa.gov/bha/court-monitor-reports>
- **General Linear Mixed Effect Model**
 - CST Referral Rate Divided by County Population
 - Determine Significance of Effect of Crime Rates and Homelessness on CST Referral Rates
 - Add Significant Factors and SB5444 time points or COVID-19 time points

RESULTS

- **H1**
 - 71% of variance in CST referrals were attributed to homelessness and crime rates,
 - Only homelessness had a meaningful effect size, but this was not the case when accounting for SB5444 and COVID-19
- **H2**
 - SB5444 decreased misdemeanor referrals, but misdemeanor referrals did not significantly decrease the total number of referrals (reduced average CST referral rate by .35)
 - Projections of referrals is still expected to increase (although this increase is slowing)
- **H3**
 - The onset of COVID-19 did reduce the number of referrals in 2020 (CST referral rate decreased -0.21)
 - While CST referral rates were decreasing, the model predicted CST referral rate would eventually increase

Year	Average # of Referrals per Month (Range)
2017	7.76 (0-229)
2018	10.81 (0-371)
2019	9.93 (0-261)
2020	8.80 (0-241)
2021	17.87 (0-271)

IMPLICATIONS AND FUTURE DIRECTIONS

- Washington State Programs Influenced by Referral Rate
- Competency Crisis Continues
- Continuing to Monitor Lawsuits
- Competency in Indiana

State Fiscal Year	Number of in-jail orders	Percent Change
SFY 2013	978	N/A
SFY 2014	1,070	9%
SFY 2015	996	-7%
SFY 2016	1,249	25%
SFY 2017	1,660	33%
SFY 2018	1,670	1%
SFY 2019	1,831	10%
SFY 2020	1,561	-15%
SFY 2021	1,752	12%
SFY 2022	2,397	37%

Data Notes:
 1) Counts do not include individuals waiting in the community (released from jail on Personal Recognizance).
 2) Counts prior to 2018 may include non-competency evaluation referrals due to limitations of ESH data system.
 3) The table reflects jail status at the date the order was signed or the beginning of an in-jail status change.

REFERENCES

- 1- Morris, McNeil, & Binder (2021)
- 2- Gowensmith (2019)
- 3- State of Washington Forecasting & Research Division (2019)
- 4- Hipp and Kane (2017)
- 5- U.S. Department of Housing and Urban Development (2020)
- 6- Olson, MacDonald, & Rankin (2015)
- 7- Washington State Courts (2020)
- 8- "Forensic mental health care" (2019)
- 9- Washington State Department of Social and Health Services (2022)

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